

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000 14TH STREET, N.W. SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF

Lisa Marie Morgan

Director

Customer Services Operations

Office of the City Administrator

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DATE: October 29, 2002

DOCKET NO.: CF 2002-06

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) pursuant to a referral from the Office of the Inspector General for the District of Columbia (hereinafter OIG) in a published report entitled "Report of Investigation of the Fundraising Activities of the Executive Office of the Mayor (EOM)" (hereinafter Report) (Control Number 2001-0188 (S)). In the Report, the OIG has alleged that certain current and former employees engaged in behavior that violated provisions of the District of Columbia Personnel Manual Standards Of Conduct.

In the instant case, the Inspector General has alleged that Lisa Marie Morgan (hereinafter respondent) engaged in private or personal business activity on government time and with the use of government resources on behalf of the private, non-profit Millennium Washington Capitol Bicentennial Corporation (hereinafter MWCBC) in violation of §§1800.1, 1803.1(f), 1803.2(a), 1804.1(b) and 1806.1 of the District Personnel Manual (hereinafter DPM).¹

¹ DPM §1800.1 reads as follows:

Employees of the District government shall at all times maintain a high level of ethical conduct in connection with the performance of official duties, and shall refrain from taking, ordering or participating in any official action which would adversely affect the confidence of the public in the integrity of the District government.

DPM §1803.1(f) reads as follows:

Upon OCF's evaluation of the material amassed in this inquiry, it was decided that the parameters of this inquiry extended solely to the DPM employee conduct regulations. There was not any credible evidence that the respondent committed any violations of the District of Columbia Campaign Finance Reform and Conflict of Interest Act of 1974 (the

An employee shall avoid action, whether or not specifically prohibited by this chapter, which might result in, or create the appearance of the following:

. . .

(f) Affecting adversely the confidence of the public in the integrity of government.

DPM §1803.2(A) reads as follows:

District employees shall not solicit or accept, either directly or through the intercession of others, any gift, gratuity, favor, loan, entertainment, or other like thing of value from a person who singularly or in concert with others:

- (a) Has, or is seeking to obtain, contractual business or financial relations with the D.C. government;
- (b) Conducts operations or activities that are subject to regulation by the D.C. government; or
- (c) Has an interest that may be favorably affected by the performance or non-performance of the employee's official responsibilities.

DPM §1804.1(b) reads as follows:

An employee may not engage in any outside employment or other activity, which is not compatible with the full and proper discharge of his or her duties and responsibilities as a government employee. Activities or actions which are not compatible with government employment include but are not limited to, the following:

. . .

(b) Using government time and resources for other than official business[.]

DPM §1806.1 reads as follows:

A District employee shall not use or permit the use of government property, equipment or material of any kind. . .for other than officially approved purposes.

Act), as amended, D.C. Official Code §§1-1101.01 et seq. (2001 Edition). Any alleged violation of the Act by the respondent would be predicated upon the premises that respondent realized personal gain through official conduct, engaged in any activity subject to the reporting requirements and contribution limitations of the Act, or used District government resources for campaign related activities.² See D.C. Official Code §1-1106.01. Additionally, fines may be assessed for any violation of the Act. OCF's review did not reveal any such activity.

Accordingly, where a violation of the DPM employee conduct regulations has occurred, OCF is limited with respect to any action which otherwise may be ordered. Inasmuch as the DPM consists of personnel regulations, fines cannot be assessed. The Director may only recommend disciplinary action to the person responsible for enforcing the provisions of the employee conduct rules against the respondent.

By letter dated June 7, 2002, OCF requested the respondent to appear at a scheduled hearing on June 14, 2002. The purpose of the hearing was to show cause why the respondent should not be found in violation of the Standards of Conduct, which the respondent was alleged to have violated in the OIG Report. On June 11, 2002, by letter, the respondent requested an extension for said hearing date, which was approved, and on June 26, 2002, OCF issued a letter rescheduling the hearing for July 9, 2002.

Summary of Evidence

The OIG has alleged that the respondent violated the above referenced provisions of the DPM as a result of her participation in MWCBC affairs. Consequently, the OIG has alleged that the respondent engaged in activity which was not compatible with the full and proper discharge of her responsibilities as a government employee. The OIG relies exclusively upon its Report, which is incorporated herein in its entirety.

On July 9, 2002 the respondent appeared pro se before OCF at a scheduled hearing, conducted by William O. Sanford, Esq., Senior Staff Attorney. Wesley Williams, OCF Investigator, was also present.

Synopsis of Proceedings

The respondent is currently employed as the Director of Customer Service Operations with the Office of the City Administrator. She has occupied this position for approximately 2 years. Prior thereto, she was employed as the EOM Deputy Chief of Staff for Operations. She has been employed with the District of Columbia Government since March of 1999.

² D.C. Law 14-36, "Campaign Finance Amendment Act of 2001," effective October 13, 2001, prohibits the use of District government resources for campaign related activities.

The respondent testified that she is familiar with the Standards of Conduct as cited in the DPM. She further testified that she had read and understood the allegations against her in the Report. The respondent was informed that the Inspector General has alleged that she used government resources for other than official business or government approved or sponsored activity in violation of the Standards of Conduct of the DPM, when she utilized government resources to conduct business on behalf of MWCBC during regular duty hours. Additionally, it was pointed out to her that the OIG alleged that the respondent was among several government employees who were authorized to sign checks issued on a MWCBC bank account.

The respondent conceded that she did perform work on behalf of MWCBC but emphatically denied soliciting funds or awarding contracts on behalf of the entity. She testified that she became involved with MWCBC after her then supervisor, former Chief of Staff, Dr. Abdusalam Omer (hereinafter Omer), approached her and asked her to briefly manage a MWCBC account after former Deputy Chief of Staff Henry “Sandy” McCall (hereinafter McCall) left the District government in March of 2000.

Respondent stated that after she received her assignment from Omer, she approached Elizabeth Berke-Valencia (hereinafter Berke-Valencia). Respondent stated that both she and Berke-Valencia did what they were asked to do even though she felt uncomfortable performing duties that were outside her scope of technical responsibilities. Respondent emphasized the fact that she did not initiate any of the activity independently but pursuant to instructions from her superiors. She further stated that she assumed that the activity was appropriate because it was common knowledge in the environment that MWCBC was operating out of the government’s offices. She emphatically denied participating in any fundraising activity on behalf of MWCBC or any private entity while employed by the District government.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent, Lisa Marie Morgan, as EOM Deputy Chief of Staff for Operations, from March 1999 through March 2000, was a public official required to file a Financial Disclosure Statement (FDS) with OCF.
2. MWCBC was incorporated in October 1999 under the auspices of McCall, then EOM Deputy Chief of Staff for External Affairs, as a private, non-profit corporation authorized to solicit donations for the 2000 millennium celebration in the District of Columbia. Report at 50-51.
3. From November 1999 through the middle of January 2000, MWCBC operated out of the EOM office located at 1 Judiciary Square, 441 4th Street, N.W., Washington,

D.C. Report at 50-51 & 59.

4. From the middle of January through July 2000, MWCBC operated out of 1730 K Street, N.W. and was still supported by D.C. government funds and resources. Report at 59, 62 & 65.
5. In March 2000, the respondent received an assignment from her supervisor, Omer, to manage an MWCBC account following the departure of McCall.
6. Respondent was uncomfortable with the assignment because it was outside her scope of technical responsibilities; and, she performed the task because she was so instructed by her supervisor, Omer.
7. Respondent trusted Omer, as her supervisor, not to involve her in any activity that conflicted with the ethics laws of the District of Columbia.

Conclusions of Law

1. Respondent is an employee of the District of Columbia government and is subject to the enforcement provisions of the employee conduct regulations at DPM §§1800 et seq.
2. From November 1999 through the middle of January 2000, MWCBC, notwithstanding that it was a private, non-profit corporation, operated out of 1 Judiciary Square as a District of Columbia government agency; and the respondent believed that MWCBC business was government business.
3. Respondent used District of Columbia government time and resources to perform extensive tasks with regard to an MWCBC account from March 1999 through March 2000; and, notwithstanding the fact that respondent was directed by her supervisors to perform said tasks, it is more likely than not that the respondent was well aware that her actions violated the employee conduct regulations because respondent was managing a private, non-profit corporate account for government business.
4. Respondent's management of an MWCBC account; and, notwithstanding that the purpose and proceeds thereof ostensibly inured to the District of Columbia government, was private, corporate business.
5. Respondent's management of an MWCBC account; and, notwithstanding that the purpose and proceeds thereof ostensibly inured to the District of Columbia government, was not government business.

6. The responsibility for enforcing the provisions of the employee conduct rules against the respondent rests with the Office of the City Administrator.

Recommendation

I hereby recommend that the Director advise the City Administrator to admonish Lisa Marie Morgan for her prohibitive conduct. Subsequent to this employee's misconduct, the Office of the Mayor has taken appropriate measures, by appointing an Ethics Counselor and conducting extensive workshops, to apprise and re-apprise his staff of the provisions and prohibitions of the Standards of Conduct. Therefore, I further recommend that the Director advise the City Administrator to require Lisa Marie Morgan to participate in scheduled ethics meetings and workshops to become closely familiar the provisions and prohibitions of the Standards of Conduct.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the City Administrator be advised to admonish Lisa Marie Morgan for her prohibitive conduct. Subsequent to this employee's misconduct, the Office of the Mayor has taken appropriate measures, by appointing an Ethics Counselor and conducting extensive workshops, to apprise and re-apprise his staff of the provisions and prohibitions of the Standards of Conduct.

IT IS FURTHER ORDERED that the City Administrator be advised to require Lisa Marie Morgan to participate in scheduled ethics meetings and workshops to become closely familiar the provisions and prohibitions of the Standards of Conduct

This Order may be appealed to the Board of Elections and Ethics within 15 days from issuance.

Date

Cecily E. Collier-Montgomery
Director

Parties Served:

Lisa Marie Morgan
73 G Street, S.W.
Washington, D.C. 20024

Charles Maddox, Esq.
Inspector General
Office of the Inspector General
717 14th Street N.W., 5th Floor
Washington, D.C. 20005

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

S. Wesley Williams
Investigator

NOTICE

Pursuant to 3 DCMR § 3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this Order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000 14th Street, N.W., Washington, D.C. 20009.